

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

NEW YORK MARINE AND
GENERAL INSURANCE,

Plaintiff,

vs.

JUNKERMIER, CLARK,
CAMPENELLA, STEVENS, P.C., and
DRAGGIN' Y CATTLE COMPANY
INC., and RODGER and CARRIE
PETERS, individuals,

Defendants.

CV 14-83-GF-BMM

ORDER

Defendants Junkermier, Clark, Campanella, Stevens P.C. ("JCCS"), Draggin' Y Cattle Company, Inc. ("Draggin' Y"), and Roger and Carrie Peters ("Peters") (collectively "Defendants") have filed an emergency motion to stay briefing on Plaintiff's New York Marine and General Insurance Company ("NYM") pending motion to consolidate.

I. Background

NYM filed a Notice of Removal on July 22, 2019, informing the Court that it had removed a case in which it was a third-party defendant from Montana state district court to federal court. *Draggin' Y Cattle Company, Inc, and Rodger and*

Carrie Peters vs. Junkermier, Clark, Campanella, Stevens, P.C. vs. New York Marine General Insurance Company, No. CV-19-34-SEH (D. Mont. 2019) (hereinafter the “Butte Action”). (Doc. 1.) NYM removed the Butte Action from the Montana Eighteenth Judicial District Court, Gallatin County to the United States District Court for the District of Montana, Butte Division. (Doc. 1 at 2.) NYM filed a case that is currently pending before this Court involving the same parties and circumstances. *New York Marine General Insurance Company vs. Junkermier, Clark, Campanella, Stevens, P.C. Draggin’ Y Cattle Company, Inc, and Rodger and Carrie Peters*, No. CV-14-83-BBM (D. Mont. 2014.) (hereinafter the “Great Falls Action”). On July 24, 2019, NYM filed a motion to consolidate the Butte Action with the Great Falls Action. (Doc. 338.)

Defendants intend to file a motion within 30 days to remand the Butte Action back to state court. (Doc. 341 at 2.) The statutory 30-day time limit to remand the Butte Action back to state court will expire August 21, 2019. *Id.* Defendants’ pending motion requests that this Court stay briefing on NYM’s motion to consolidate until after the Court has made a determination on Defendants’ motion to remand in the Butte Action. *Id.*

Accordingly, IT IS ORDERED that Defendants’ motion to stay briefing on the motion to consolidate (Doc. 341) is GRANTED.

IT IS FURTHER ORDERED that all briefing on NYM's motion to consolidate is STAYED pending the resolution of Defendants' motion to remand the Butte Action back to state court.

IT IS FURTHER ORDERED that in the event that Defendants' motion to remand is denied, Defendants will respond within 15 days to NYM's motion to consolidate.

DATED this 31st day of July, 2019.

A handwritten signature in blue ink that reads "Brian Morris".

Brian Morris
United States District Court Judge

